



Town of Brookline *Massachusetts*

DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT

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DRAFT February 23, 2016

To: Brookline Board of Appeals

From: Planning Department, Building Department, Division of Transportation and Engineering

Date:

Subject: **21 CROWN COMPREHENSIVE PERMIT APPLICATION, M.G.L. c.40B**

Construct eight residential rental units distributed among two four-story buildings with a total of 16 parking spaces

Location: 21 Crowninshield Road

Atlas Sheet:	6	Case #:	2015-0057
Block:	027	Zoning:	S-7
Lot(s):	38-39	Lot Area (s.f.):	15,556 sf

Board of Appeals Hearing: **February 23, 2016, at 7:00 p.m.**

BACKGROUND

December 9, 2014 – Preservation Commission determined that the existing single-family house is architecturally or historically significant and imposed a one-year demolition stay. On **January 13, 2015**, the Preservation Commission determined that the existing detached garage is architecturally or historically significant and imposed a one-year demolition stay. (In the time since the demolition stays were imposed, a Crowninshield Local Historic District has been established; therefore, demolition is not permitted until a comprehensive permit is granted.)

January 8, 2015 – Planning Board endorsed ANR Subdivision plan merging parcels 027-38 and 027-39 (Lots 77 and 78) to create one 15,556 sf parcel at 21 Crowninshield Road.

February 19, 2015 – Applicant submitted Project Eligibility Application (PEL) to subsidizing agency MassHousing for a 20-unit apartment building, pursuant to M.G.L. c.40B.

March 12, 2015 – Project team presents plans to Planning Board. Planning Board approves recommendation to Board of Selectman to support an affordable-housing project on the site but not to support the project as designed.

April 1, 2015 – The Board of Selectmen submitted a response to MassHousing not supporting the project as designed but urging the developer to work with the Town to modify the design and mitigate impact.

April 9, 2015 – MassHousing determined that the site is appropriate for the proposed project and imposed conditions requiring applicant to work with the Town to resolve its concerns about the project design and impact on neighborhood (**Attachment A**).

May 2015 – Town Meeting approved Warrant Article 11, recommending the establishment of the Crowninshield Local Historic District (LHD). In **June 2015**, the Town Clerk submitted Crowninshield LHD proposal to Attorney General. On **September 21, 2015**, the Attorney General approved the establishment of the Crowninshield LHD.

May 20, 2015 – A Planning Board Design Review Team was appointed to work with project team to revise the design. (**Attachment B**)

June 2015 to Present – Several public meetings and staff meetings scheduled with project team, resulting in successive modifications to the design.

November 13, 2015 – Applicant filed a Comprehensive Permit Application to the Zoning Board of Appeals for a 20-unit apartment building.

December 1, 2015 – Project team presented a revised plan for an eight-unit townhouse-style development at a public meeting before the Planning Board and Design Review Team. The Project team confirmed that MassHousing does not require a new PEL application for reducing the project from 20 units to 8 units, as long as the condition of working with Town to resolve design concerns has been met. The Planning Department also received a letter dated **November 30, 2015** from Jason Talerman, attorney for concerned residents in the Crowninshield neighborhood, expressing support for the eight-unit townhouse-style concept (**Attachment C**).

February 4, 2016 – Project team presented refined architectural and landscaping plans and a live 3D model at a public meeting before the Planning Board and Design Review Team. The Planning Board voted to support the proposal and to recommend additional design changes and conditions related to maintaining design standards, documented in a letter to the ZBA (**Attachment D - February 5, 2015 letter**).

February 2016 – Associate Town Counsel Jonathan Simpson contacted the Massachusetts Historical Commission a second time to confirm the commission's role, pursuant to 950 CMR 71, in the review of the proposal's impact on State Register properties, because proposal is to receive state funding (**Attachment E – February 17, 2016 memo**).

February 19, 2016 – Updated comprehensive permit application, based on 8 townhouse units, submitted to ZBA.

March 3, 2016 – Project team scheduled to appear before Planning Board to present design changes in response to Planning Board's February 4, 2016 additional design recommendations.

SITE AND NEIGHBORHOOD

Developed between 1901 and 1927, the Crowninshield neighborhood is a group of 61 single-family homes (two of the structures are attached single-family), all designed by architects in variations of the American Shingle Style, Arts and Crafts, and Colonial and Georgian Revival styles. Mature trees and plantings in front yards and lining the sidewalks give the neighborhood its characteristic streetscape. Parking is shielded at the rear of lots, often in detached garages. Narrow streets and no on-street parking encourage neighborhood walks.

To the rear of 21 Crowninshield is Arbour HRI hospital and a multi-rise owned by Boston University.

Running along the right-of-way at the north end of the single-family district are the commercial properties that front Commonwealth Avenue. At its southeast end on Dummer and Pleasant streets are multi-unit buildings, notably the 409-unit Dexter Apartments, and affordable housing developments, the most recent of which is a 40B project at the former St. Aidan's Church.

The 15,556 sf site is the largest parcel at the entrance to this single-family zoning district, at the intersection of Adams Street and Crowninshield Road. It abuts a 16- foot right-of-way located between the site and the Enterprise car rental lot at 996 Commonwealth Avenue. Although the structures are in need of considerable repair or restoration, the existing single-family house and detached garage represent the architectural style and refined details typical of this historic district. In addition, mature trees and outgrowth had shielded the district from the abutting institutional and commercial properties until the plantings were removed.

Crowninshield Road is a one-way street running toward Commonwealth Avenue. Street parking is prohibited at all times on Adams Street, Elba Street, Copley Street, and Crowninshield Road.

APPLICANT'S PROPOSAL

Robert Basile and his son J. Robert Basile of 21 Crown LLC propose eight (8) rental residential units configured as four attached townhouses in two four-story buildings that would be separated by a motor court. Each unit would have a ground-level garage for one vehicle and parking for a second vehicle in its private driveway for a total of 16 parking spaces. The proposed landscaping plan intends to eventually restore some of the extensive tree canopy that had once buffered the site from the visual and auditory impacts of the surrounding commercial district.

The Applicants' initial proposal was for a four-story, 20-unit apartment building. The Applicants agreed to work with an appointed Planning Board Design Review Team that included two neighborhood representatives to modify the design of the initial proposal. After agreeing to several iterations of design changes, the Applicants proposed the townhouse style and considerably reduced the project's density in response to the community's desire for a multifamily format that would be more compatible with the single-family district.

The following chart summarizes the changes between the current and initial proposals.

	Current Proposal February 17, 2016	Initial Proposal November 13, 2015
Total Units	8 (8 three-bedroom units)	20 (2 three-bedroom units; 18 one-bedroom units)
Affordable Units (25%)	2	5
Bedrooms	24	24
Gross Floor Area	18,144 sf	21,381 sf
Parking Spaces (Ratio)	16 (2.0)	18 (0.9)
Building Type	Two buildings: Four attached single-family townhouses in each building	One apartment building
Height, Stories	43 feet (4 stories)	44'-7" (4 stories)
Density (dwelling units / acre)	22.4 du / acre	56.0 du / acre

FINDINGS

1. The applicant is requesting a comprehensive permit pursuant to M.G.L. 40B to construct an affordable housing development.
2. The property is located within the Crowninshield Local Historic District in which demolition is not permitted.
3. The project does not conform to the following requirements of the zoning bylaw. The Applicants have requested a waiver from Town regulations and ordinances as listed in **Exhibit 1**.

Table 4.07, Use 6 Multifamily use in a single-family district

Section 5.09 Design Review (specific subsections)

Section 5.20 Floor-Area Ratio

Section 5.30 Maximum Height of Buildings

Section 5.52 Fences and Terraces in Front Yards

Section 5.62 Fences and Terraces in Side Yards

Section 5.45 Traffic Visibility Across Corners

Section 5.50 Front Yard Requirements

Section 5.60 Side Yard Requirements

Section 5.70 Rear Yard Requirements

Section 5.74 Fences and Terraces in Rear Yards

Section 6.04.4.b Driveway Width

Section 7.04.4 Illumination

	Existing (1 single-family)	Proposed (8 units)	Required/Allowed*
Floor Area Ratio	0.21 3267 sf / 15,556 sf	1.17 18,144 sf / 15,556 sf	0.35
Height	33.8 feet	43 feet	35 feet
Front Yard Setback (Crowninshield Road)	20.5 feet	6.8 feet	30 feet
Front Yard Setback (Right of Way)	25 feet	10 feet	30 feet
Side Yard Setback (left)	25 feet	15.9 – 23.8 feet Average setback is 19.8 feet.	15 feet at narrowest point when building wall is not parallel to lot line; however, the <u>average</u> setback cannot be less than 20 feet.**
Rear Yard Setback	33.8 feet	6 feet	40 feet
Landscaped Open Space	Likely exceeds	Applicant asked to calculate in square feet	30% of 18,155 sf GFA is 6414 sf
Fence Height Rear	NA	8 feet	7 feet high max***
Fence Height Side (left)	NA	7 feet max	7 feet high max
Fence Height Front (passageway)	NA	7 feet max	6 feet max
Driveway width	16-20 feet	18 feet at entrance	20

*Where Table 5.01 is pertinent, refer to S-7 Zoning District, “other structure or principal use.”

** If a building wall is not parallel to the lot line, pursuant to Section 5.40, at no point shall the setback be less than three-fourths of the minimum required setback. In the S-7 district, the standard minimum side yard setback is 20 feet. Three-fourths of 20 feet is 15 feet. Average setback is 19.8 feet, less than the average 20 feet required.

*** **Section 5.74** allows for a special permit for higher fences and walls when needed for safety or to mitigate impacts.

COMMENTS

As indicated in February 5, 2016 letter, the Planning Board strongly supports the Applicants’ plan to amend its initial ZBA application for a 20-unit apartment by proposing an 8-unit townhouse-style development. Staff members commend the project team for its willingness to revise the program to address the community’s primary concerns in a meaningful and effective manner. Staff also recognizes the community’s active participation in a seven-month design review process to work toward the goal of better integrating a higher density development into a single-family district. As expressed in Attorney Jason Talerman’s November 30, 2015 letter to the Planning Department on behalf of concerned community members, residents “are generally supportive of the configuration and massing of the eight-unit project.”

The following Departments and Boards and Commissions submitted individual letters regarding the design, the applicant’s requested waivers from Town bylaws, or recommended conditions: Building, Fire, Police, Public Health Departments; Engineering and Transportation Divisions; and Planning Board and Housing Advisory Board (**Attachment F**).

In addition, the Office of the Town Counsel clarified procedures involving Massachusetts Historical Commission’s review of the impact a state-funded project might have on State Register properties.

Site and Building Design

The Planning Board strongly supports the 8-unit townhouse concept and design. The scale and massing is more compatible than the initial mid-rise apartment building proposal, and the proposed architectural features relate well to that of the surrounding neighborhood. The landscape design would serve to complement the existing streetscape and to provide appropriate screening. The project team is scheduled to return to the Planning Board on March 3 to present additional changes to the fenestration in response to the Board’s recommendations.

The Building Department feels that the proposed patios fences that extend from the side wall to the property line fences would impede the egress. Patio fences should be replaced with partitions that do not extend the property line fences. Unlocked gates do not guarantee egress and are not satisfactory. Plans should be updated to reflect this request.

The Engineering Division also notes that an existing utility pole is not shown on the proposed site plan and should be included. It is currently a functional utility pole. The removal of utility poles in the public way has not been approved.

In addition, the applicant has not submitted a proposal to the Town Arborist for the new street trees shown on the landscape plan. Such a request is subject to the review and approval of the Town Arborist.

If the plans are not updated, then conditions indicating these possible changes to the plans should be

included.

Fire Safety

The Fire Chief has reviewed the plans and the applicable waiver requests (namely yard setbacks, fence heights, and driveway width) against the current State Fire Code. As long as the dimensional non-conformities do not violate Building Codes, the Fire Chief does not object to these waiver requests. At this time, the Fire Chief does not recommend making the passageway between the site and the Enterprise rental lot at 996 Commonwealth Avenue a fire lane at this time.

Massachusetts Historical Commission Project Review (Local Historic Districts/State Register Properties)

Now that the Crowninshield Local Historic District has been established, all properties within this district are listed in the State Register of Historic Places. According to Associate Town Counsel Jonathan Simpson, pursuant to M.G.L. c. 9, Sec. 26-27C and 950 CMR 71.02, the Massachusetts Historic Commission (MHC) is charged with reviewing the proposal potential adverse impact on State Register Properties. This review would be conducted after the granting, if any, of a comprehensive permit. MHC's review would be informed by Town bodies involved in the design review process, such as the Planning Board and the ZBA.

Waivers from Town Bylaws and Ordinances

The applicant has submitted two waiver request documents for the ZBA's consideration:

- Document 1: "Requested Comprehensive Permit in Lieu of Permits under Town of Brookline Ordinances"
- Document 2: "21 Crowninshield Proposed Waiver List, January 28, 2016" (chart format)

Staff told the applicant that the Document 1 is insufficient, because the specific sections in the bylaws are not cited and the degree of relief needed is not specified. Staff comments pertaining to waiver requests refer only to the document titled "21 Crowninshield Proposed Waiver List, January 28, 2016" (chart format). Staff recommends that Document 1 be disregarded.

An overview of staff's comments on waiver requests is provided below:

Waivers No. A – O (Zoning Bylaws): Please refer to the Building Commissioner's letter to the ZBA dated February 22, 2016.

Note that Building Commissioner has clarified information that needs to be added to or resolved on the plans and added to the details of the waiver requests. In addition, the Planning Board has supported waiver requests for front yard (Crowninshield Road) setback, fence height, and driveway width because they are compatible with the objectives of the design review.

Waivers No. P (General Bylaw, Department of Public Works): Please refer to the Engineering Division's and Transportation Divisions' respective letters to the ZBA dated February 22, 2016.

Waiver No. Q (General Bylaw, Demolition Delay): Demolition delays are applicable to properties other than those in local historic districts that are deemed architecturally or historically significant. Demolition forms were submitted to the Preservation Commission for 21 Crowninshield before the Crowninshield LHD was established. The ensuing one-year demolition stays the Preservation Commission imposed on the existing house and detached have each expired; therefore, this waiver request is not applicable.

Waiver No. R (Local Historic Districts and Preservation Commission Review): One of the objectives of the

design review process was to achieve a building typology more compatible with the single-family zone and architectural features and materials more compatible with the Crowninshield Local Historic District. However, some of the design standards typical of local historic districts are not practical or cost-effective for a rental property; namely: true divided lights, wood siding, copper gutters, and slate roofs. In its letter to the ZBA, the Planning Board recommended conditions that relate to the review and approval of the color palette, window profiles, and architectural and landscaping materials for initial construction and future replacement of these design elements.

Traffic Safety

Because speeding, wrong-way driving, and illegal on-street parking have been observed on Crowninshield Road, the Planning Board recommends traffic calming measures to enhance public safety. The driveway that would provide access to the site from Crowninshield Road is located between the intersections at Adams Street and at Commonwealth Avenue. The Board suspects that there will be a strong inclination to make an illegal right turn out of the driveway onto one-way Crowninshield Road. Furthermore, residents have documented occasions in which vehicles (and possibly bicyclists) driving eastbound on Commonwealth Avenue have made an illegal right turn onto Crowninshield Road, and vehicles on the abutting Enterprise lot have exited the private right of way and driven the wrong way down Crowninshield. To reinforce the one-way operation of Crowninshield Road, the Department of Public Works recommends three new NO RIGHT TURN signs in the area, as proposed in the draft conditions.

The Police Department supports the Transportation Division's recommendation that any parking of commercial/construction vehicles in the public way be allowed through the temporary-permit process. DPW does not support granting a waiver for on-street parking (Waiver No. P) without requesting temporary parking permits. Currently, parking is prohibited 24/7 in the Crowninshield neighborhood.

Traffic Study and Peer Review

The Director of Transportation and Engineering considers the traffic study for the 20-unit proposal to be sufficient. A new study based on the 8-unit proposal is not required. Director Peter Ditto is available to answer the ZBA's technical questions; a technical peer review would not be necessary.

Stormwater Management Plans and Peer Review

The Director cannot approve any engineering materials submitted to the ZBA because they are not sufficient. DPW has an extensive standard site plan review that would be conducted prior to the issuance of a building permit. It is appropriate to submit complete stormwater management plans at that time and not during the public hearing process. Director Peter Ditto is available to answer the ZBA's technical questions; a technical peer review would not be necessary.

Omissions / Discrepancies on Plans

In addition to those omissions and discrepancies listed in the Building Commissioner's letter to the ZBA, Planning staff will also confirm any other requirements for the plans that result from the ZBA's public hearing process. If plans are not updates, additional conditions may be recommended.

CONDITIONS

1. The Project shall include no more than eight (8) units of rental housing in no more than two (2) buildings, which buildings are shown on the Site Plans and the Architectural Plans, and no more than

eight (8) garaged parking spaces and eight (8) individual driveway parking spaces as shown on the parking layout plan on Sheet A-4.

2. The total maximum number of bedrooms shall be twenty-four (24) and the maximum number of bedrooms in each unit shall be three (3).
3. With respect to the Applicant's Request for Waivers from local bylaws and regulations dated **DATE**, the Board approves those waivers listed in **Exhibit 1**. The Project must comply with bylaws and regulations not waived.
4. Prior to the issuance of a Building Permit, the Applicant shall submit final floor plans and elevations for the buildings, indicating façade design and rooftop details subject to the review and approval of the Planning Board. Color, windows, and materials shall be approved on Site by the Planning Board within a reasonable timeframe.
5. Prior to the issuance of a Building Permit, the Applicant shall submit final site and landscaping plans indicating: plant types and sizes and an adequate plan for maintaining, and replacing as necessary, the plantings on the Site; location of, height of, and materials for fences, walls, patios; exterior lighting; location of utilities, mechanicals, parking spaces, and bicycle storage; location of trash, recycling, and snow storage, subject to the review and approval of the Planning Board.
6. Prior to the issuance of a building permit, the Applicant shall submit a lighting plan to the Director Transportation and Engineering and the Building Commissioner for review and approval. All exterior lighting on the Site shall be installed and maintained so that no direct light or glare shines on any street or any nearby single-family homes and headlight glare from vehicles entering or leaving the Site or parking on the Site shall be shielded in accordance with the Zoning Bylaw.
7. Prior to the issuance of a building permit, the Applicant shall provide a plan for protecting existing street trees during construction for the review and approval by the Town Arborist. The Applicant shall replace any street trees damaged or removed during construction in accordance with the Town Arborist's instructions, with all costs borne by the Applicant.
8. Prior to the issuance of a Building Permit, the Applicant shall submit a stormwater and drainage plan for review and approval of the Director of Transportation and Engineering.
9. Traffic mitigation shall be as follows:
 - (a) The Applicant, in consultation with the Town Traffic Engineer, shall install a NO RIGHT TURN sign at the Site's new driveway entrance, with all costs borne by the Applicant.
 - (b) The Applicant, in consultation with the Town Traffic Engineer, shall install a NO RIGHT TURN sign in the public way opposite the Site's new driveway entrance, with all costs borne by the Applicant.
 - (c) The Applicant, in consultation with the Town Traffic Engineer, shall install a NO RIGHT TURN sign in the public way opposite the existing curb cut on the Passageway indicated on the Site plan between the Site and the parcel id 027-36-37, with all costs borne by the Applicant.
10. Prior to the issuance of a Building Permit, the Applicant shall submit a rubbish/recycling plan and schedule to the Chief of Environmental Health for review and approval to determine. Said plan shall include provisions guaranteeing that:

- (a) all rubbish generated from the Project will be handled and disposed of weekly by the property owner in compliance with all applicable regulations;
 - (b) the schedule for rubbish and recycling pick-up demonstrating compliance with Town bylaws. [Look for rubbish schedule memo in revised Application packet, re private trash pick-up not DPW.]
 - (c) Rubbish receptacles and compactors and recycling containers shall not be stored outside of the two buildings or in the public way at any time.
 - (d) Service vehicles at no time shall park in the public way
11. Prior to the issuance of a Building Permit, the Applicant shall submit a construction management plan to the Building Commissioner and the Director of Transportation and Engineering for review and approval.
 12. Prior to the issuance of a building permit, for each building or portion thereof, the Applicant shall comply with the Public Works Department's Site Plan Review Checklist and with the Building Department's Certificate of Occupancy Process. Prior to the issuance of the final Certificate of Occupancy for the Project, the Applicant's registered architect and professional engineer shall certify in writing to the Building Commissioner that the Project complies with the Site Plans and the Architectural Plans, as modified as required by this Decision (e.g. **Condition X-should the ZBA add conditions indicating further changes to plans**).
 13. Prior to Commencement of Construction, Applicant shall provide the Director of Transportation and Engineering with plans showing that no erosion from the Site occurs that will cause deposition of soil or sediment upon adjacent properties or public ways. For purposes of this Decision "Commencement of Construction" shall mean that the Applicant has begun clearing and grubbing (removal of stumps and topsoil).
 14. Prior to the issuance of the Certificate of Occupancy, the Applicant shall submit as-built plans certified by a registered architect to the Building Commissioner to determine conformance with the approved plans and the Conditions of the Decision.
 15. During construction and initial leasing, the Applicant may post on Site no more than one (1) temporary construction and/or development sign for the Project, no greater than twenty square feet (20 sf), with the design and location subject to review and approval by the Assistant Director for Regulatory Planning.
 16. The Applicant shall submit plans showing replacement materials, colors, and window profiles for the review and approval of the Planning Board, if they are other than those indicated on the plans listed under the Procedural History of this Decision.
 17. Contemporaneously with sending or within ten (10) days of receiving any and all correspondence with the Massachusetts Historical Commission or the Massachusetts Secretary of Energy & Environmental Affairs concerning the Project, the Applicant shall provide the Board and the Brookline Preservation Commission with copies.

Housing

18. Affordable units should be deed-restricted in perpetuity and all deed restrictions must be recorded and in a form satisfactory to the Housing Advisory Board.

19. Unless otherwise required by the Subsidizing Agency, the Affordable Units shall be dispersed throughout the Project and shall have the same bedroom “ratio” or “mix” as the other units in the Project. All units in the Project are three-bedroom units.

20. Affordable units shall:

- a. Be evenly dispersed throughout the project.
- b. Be indistinguishable from the market rate units in external appearance
- c. Have the same interior finishes and appliances as the market rate units
- d. Contain square footages of living area that are no less than:
 - Studio units: 500 square feet
 - 1 bedroom: 700 square feet
 - 2 bedroom: 900 square feet
 - 3 bedroom: 1100 square feet
 - 4 bedroom: 1300 square feet

OR that are the average size of the Project’s market rate units containing the same number of bedrooms

21. All leases for the units in the Project shall include language stating that tenants may not use any rooms other than bedrooms for sleeping purposes. Living rooms or dining rooms may not be used as bedrooms.

22. Floor plans for the affordable units which differ from those of the market rate units will not be approved without the recommendation of the Town’s Department of Planning and Community Development/Housing Division with input from the Housing Advisory Board.

23. Local Preference: The applicant will work with the Town’s Department of Planning and Community Development/Housing Division to request that no less than 70% of the affordable units be awarded to households with local preference during the initial lottery, defined as a household with member who (a) lives or works in Brookline; (b) is employed by the Town or the Brookline Housing Authority; or (c) has at least one child enrolled in the Brookline public school system.

24. The Department of Planning and Community Development/Housing Division must review and approve the Affirmative Marketing Plan for the affordable units before it is submitted to the Subsidizing Agency for final approval. The Department of Planning and Community Development/Housing Division will work with the applicant to market the affordable units, specifically identifying appropriate local outreach venues.

25. For the period in which the project is being monitored by the Subsidizing Agency, upon the Town’s request, the owner shall share all monitoring reports with the Town’s Department of Planning and Community Development/Housing Division including annual rent increases and information verifying income eligibility for affordable units.

25A. Upon expiration of the subsidy period and monitoring by the Subsidizing Agency, the applicant shall enter into a Permanent Restriction/ Regulatory Agreement (Exhibit 2) with the Town which shall be recorded and require that: (a) the affordable units shall remain affordable in perpetuity; and (b) the

affordability requirements shall be monitored and enforceable by the Town. Upon the Town's request, the Applicant shall provide the Town with a reasonable fee to cover the cost of such monitoring and enforcement.

25B. The Town will not issue a building permit for the project without final approval from the Subsidizing Agency.

25C. The Town will not issue an occupancy permit until all affordable units are completed and accepted by the Department of Planning and Community Development/Housing Division.

25D. At least twenty-five percent (25%) of the units in the Project shall be occupied and rented by households earning eighty percent (80%) or less of AMI as defined by the U.S. Department of Housing and Urban Development pursuant to section 3 of 42 U.S.C. 1437 [the Housing Act of 1937] or, alternatively, at ("Affordable Units"). The Affordable Units shall be Low or Moderate Income Housing, as defined in 760 CMR 56.02, for rental and occupancy, in perpetuity, by Income Eligible Households, as defined in 760 CMR 56.02, and shall meet the criteria outlined in Section I of the "Guidelines." In accordance with Section II.A.2.b(1) of the Guidelines and unless otherwise required by the Subsidizing Agency, as defined in 760 CMR 56.02, twenty-five percent (25%) of eight (8) units shall be two (2) units.

Fire Safety

26. The Site Plan shall be modified per the review and approval of the Fire Chief so that fences and landscaping does not impede firefighter access to the lower windows in both buildings.

27. Prior to the application for a Building Permit, the Applicant shall certify in writing to the Fire Chief and the Building Commissioner that (a) all buildings have enhanced NFPA designed sprinkler systems and (b) all buildings in the Project have direct alarm notification to the Fire Department designed in accordance with Building and Fire codes.

Infrastructure

28. The following portions of the Project shall be and shall remain forever private and the Town shall not have, nor or ever, any legal responsibility for their operation, maintenance, repair, or replacement:

- (a) The on-site stormwater management system;
- (b) All sewer, stormwater and water connection, lines and equipment required, from the public way to the buildings;
- (c) All site utilities including domestic water, fire protection, gas if applicable, electric, telephone, and cable system.

29. The Applicant shall operate and maintain all of the foregoing in Condition 28 in good working condition and repair at all times at its sole cost.

30. Prior to issuance of a Building Permit, all water, stormwater and sewage facility designs shall be subject to review and approval by the Director of Transportation and Engineering.

Pre-Building Permit Review

31. Prior to issuance of a Building Permit, the Applicant shall demonstrate to the satisfaction of the Building Commissioner that:
- (a) Final site plans and architectural plans have been reviewed by the Planning Board in accordance with Conditions 4 and 5, as well as Condition 16, if applicable.
 - (b) The Director of Transportation and Engineering has reviewed the final site plans in accordance with Condition 12, the final stormwater management plans in accordance with Condition 8, the water, stormwater and sewage facility designs in accordance with Condition 30, the erosion control plans in accordance with Condition 13 and the pavement surfaces in accordance with Condition 37 and all other items requiring review by the Director of Transportation and Engineering as listed in these Conditions.
 - (c) It has paid all fees required pursuant to **Conditions X**.
 - (d) It has initiated and participated in a pre-construction meeting to discuss the proposed construction schedule with its contractor and the Town, including but not limited to the Building Commissioner, Director of Transportation and Engineering and the Fire Chief.
 - (e) All required local, state and federal approvals and permits have been obtained and it has obtained Final Approval from the Subsidizing Agency as provided in 760 CMR 56.05(8)(c)(2) and (3).
 - (f) Town Counsel has approved the Restriction on further development (referenced in **Condition X**) and Applicant has provided evidence of recording of same.
 - (g) The Building Commissioner has approved the Construction Management Plan (Condition 11).
 - (h) The Chief of Environmental Health has reviewed the rubbish plan in accordance with Condition 10.
 - (i) The Subsidizing Agency has granted the Subsidy as provided in 760 CMR 56.05(8)(c)(1).

Construction

32. During construction, the Applicant shall conform to all local, state, and federal laws regarding air quality, noise, vibration, dust, and blocking of any roads. The Applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area. The Applicant shall provide the Police Department with the name and 24-hour telephone number for the project manager responsible for construction. The hours for operation of construction equipment, deliveries and personnel are limited to: Monday through Saturday (excluding Federal and State holidays): 7:00 am to 5:00 pm. Any noise or traffic complaints during these hours will be investigated by the appropriate Town agencies and departments.
33. For purposes of this Decision (with the exception of Condition 43 below) "Commencement of Construction" shall mean that the Applicant has begun clearing and grubbing (removal of stumps and topsoil). Prior to Commencement of Construction and subject to approval by the Building Commissioner, the Applicant shall provide a Construction Management Plan that shall include but not be limited to: designation of truck routes (the condition of pavement surfaces of such routes before and after construction to be documented); a survey of existing trees and measures to ensure tree protection during construction; limit of work areas; where construction vehicles, materials and equipment will be stored; parking hours and locations for construction workers' vehicles; location of portable toilets; rodent and insect control plan; dust/airborne particle control; security fencing; trash areas; construction trailer

locations; the timetable for excavation and overall earthwork operation; and the number of necessary truck trips.

34. Applicant shall make all commercially reasonable efforts to ensure that the entire construction period from Commencement of Construction to the date of issuance of the final Certificate of Occupancy shall be no more than thirty (30) months subject to causes beyond the Applicant's reasonable control. Applicant may seek an extension of the foregoing requirement pursuant to 760 CMR 56.05(11).
35. Applicant shall keep in optimum working order, through regular maintenance, any and all equipment that makes sounds.
36. During construction, Applicant shall provide the Director of Transportation and Engineering and the Building Commissioner with a written monthly report outlining the status of the Project. The monthly reports shall detail areas of non-compliance with this Decision, if any, and actions taken to resolve these issues.
37. Prior to Commencement of Construction, Applicant shall provide the Director of Transportation and Engineering with a report and photographs of the condition of pavement surfaces along truck routes before Construction Commencement and then again prior to issuance of a Certificate of Occupancy to ensure construction traffic does not adversely affect the pavement.

General

38. The provisions of this Comprehensive Permit shall be binding upon the heirs, successors and assigns of the Applicant and the obligations shall run with the land.
39. Any reference to Town staff shall include a designee (either another staff member or a consultant) of that person.
40. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.
41. Upon execution by the members of the Board, the Clerk of the Board is directed to file this Decision with the Town Clerk and send a copy to the Applicant by certified mail, return receipt requested.
42. Any person aggrieved by this Decision may appeal pursuant to M.G.L. c.40B, Sec. 21.
43. This Comprehensive Permit shall expire if construction is not commenced within three (3) years from the date this Decision becomes final as provided in 760 CMR 56.05(12)(c), subject to the tolling provisions of 760 CMR 56.05(12)(c). For purposes of this paragraph only, commencement of construction is defined as the construction of the foundation of at least one of the Project's buildings. The Applicant may apply to the Board for extensions of this Comprehensive Permit in accordance with 760 CMR 56.05(12)(c).
44. If the Applicant revises any of the Plans, it shall present the revised plans to the Board in accordance with 760 CMR 56.05(11).
45. This Comprehensive Permit may be transferred by the Applicant only upon compliance with the requirements of 760 CMR 56.05(12)(b).
46. All utilities shall be underground.

47. Applicant shall pay for the Town's cost of police and fire details for the Project, in accordance with the Town's standard practices.
48. All Conditions in this Decision are to be interpreted and enforced to the extent permitted by M.G.L. c.40B and the Regulations.
49. Subsequent to the end of all applicable appeal periods and prior to the Commencement of Construction, the Applicant shall record this Decision in the Norfolk County Registry of Deeds and shall provide the Board and the Building Commissioner with a copy of this Decision endorsed with the applicable recording information.
50. There shall be no structures or buildings or paved surfaces on the Site other than those shown on the Site Plans. Notwithstanding the foregoing, insubstantial changes to the Project, as determined by the Board in accordance with 760 CMR 56.05(11), shall be allowed.
51. Applicant shall execute and cause to be recorded, prior to the issuance of a Certificate of Occupancy, a restriction (the "Restriction") in favor of the Town, acting through its Board of Selectmen. The Restriction shall run by its terms in perpetuity and shall prohibit additional structures or buildings or paved surfaces on the Site. The language shall be subject to review and reasonable approval by Town Counsel. Applicant shall cooperate with Town Counsel to assure to the greatest extent possible that the Restriction runs in perpetuity, including, if determined necessary by Town Counsel, seeking applicable state approval for the Restriction. The Restriction shall not prohibit insubstantial changes to the Project as determined by the Board in accordance with 760 CMR 56.05(11). The Restriction shall provide that notices of extension shall be recorded as set forth in Ch. 184, Section 27.

Exhibits (to Conditions)

- Exhibit 1 Chart of Requested Waivers (date)
- Exhibit 2 Regulatory Agreement (see Section 8 of Application for sample to be finalized)

Attachments to Planning Department *et al* Letter to ZBA

- A MassHousing Project Eligibility Letter with Conditions, April 9, 2015
- B 21 Crown Design Review Team: List of Members
- C Letter from Attorney Jason Talerman on behalf of residents, November 30, 2015
- D Planning Board Letter to ZBA, February 5, 2016
- E Memorandum from Assoc. Town Counsel Jonathan Simpson, re Mass Historical Commission review, February 17, 2016
- F Letters to ZBA from Departments, Boards, Commissions:
 - Building Commissioner Daniel Bennett
 - Director of Transportation and Engineering Peter Ditto
 - Transportation Administrator Todd Kirrane
 - Fire Chief Paul Ford
 - Deputy Superintendent Myles Murphy, Police Department
 - Roger Blood, Chair, Housing Advisory Board



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

April 9, 2015

21 Crown LLC
40 William Street
Brookline, MA 02446
Attention: J. Robert Basile, Member

**Re: 21 Crown
Project Eligibility/Site Approval
MassHousing # 742**

Dear Mr. Basile:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBB").

21 Crown LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build twenty (20) units of rental housing (the "Project") on approximately .36 acres (15,556 square feet) of land located at 21 Crowninshield Road (the "Site") in Brookline (the "Municipality").

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

The Municipality was given a thirty (30) day period, in which to review the Site Approval application and submit comments and recommendations to MassHousing. The Chairman of the Brookline Board of Selectmen provided a letter (received by MassHousing on April 1, 2015) and

detailed report (with appendices) summarizing comments from Municipal departments, boards and committees, and identifying specific concerns with the proposed Project.

In summary, Municipal comments focused largely on the Project's potentially negative impact on the character, appearance and historical integrity of the surrounding residential neighborhood. They asserted that the Site, located at the end of Crowninshield Road before its intersection with Commonwealth Avenue, plays a critically important role as a cornerstone or gateway to the neighborhood. They stated further that the bulk, size, style, and massing of the proposed multifamily building was incompatible with the surrounding single-family residential neighborhood. While identifying numerous concerns with specific aspects of the proposed Site Plan and architectural plans, however, the letter concludes by encouraging the Applicant to work with the Town to revise the site plan in such a way that would address these concerns.

Municipal comments identified the following additional areas of concern:

- The Town of Brookline Preservation Commission is currently pursuing a designation of Local Historic District for the Crowninshield Road neighborhood from the Massachusetts Historical Commission. The Preservation Commission expressed concern that the proposed demolition of the existing house and garage at 21 Crowninshield Road would diminish the historical integrity of the proposed district, and urged the Applicant to consider alternatives to demolition.
- The Brookline Fire Chief expressed concern that proposed building setbacks were not sufficient to protect adjacent properties in the event of fire.
- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways (many of which are one-way) and pose heightened risks to drivers and pedestrians. They requested that the Applicant provide a Traffic Study to allow them to fully assess Project traffic and safety impacts.
- The Municipality expressed numerous concerns relative to the proposed Site Plan, and, in particular, the size, location and layout of the site parking lot.

-They expressed concern that the proposed location of the parking lot on the southern side of the site, fronting on Crowninshield Road, combined with the scale of the driveway (23') would detract from the residential character of the surrounding neighborhood;

-They noted that on-street parking is prohibited at all times on area roadways, and expressed concern that the site plan provides insufficient on-site parking (18 spaces, or .9 spaces per unit) to accommodate the needs of Project residents;

-They expressed concern about the lack of pedestrian walkways and bicycle parking;

-They expressed concern about insufficiency of proposed vegetative screening, noting frustration with the Applicant's recent removal of existing vegetation. They requested that the extent of new vegetative screening be "comparable to what had been removed."

- The Municipality requested that the Applicant provide additional Project information including 1) lighting and rubbish/recycling plans, 2) stormwater management plan, 3) evidence of adequate sewer and water capacity.

Community Comments

In addition to the comments from Municipal officials, MassHousing received a detailed letter from the Crowninshield Neighborhood Steering Committee. This letter largely echoes the concerns expressed in the Municipal comment letter, focusing, in particular, on the following:

- Size and density of the Project relative to the surrounding neighborhood;
- Incompatibility of the Project's architectural design;
- Historical significance of the existing house and garage;
- Increased traffic volume and congestion, and heightened risk to driver and pedestrian safety;
- Reduction of open space and vegetation;
- Increased ambient noise and light.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality and abutters, the following issues should be addressed in your application to the Zoning Board of Appeals, and you should be prepared to explore them more fully in the public hearing process:

1. Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, including the safety of proposed site access and egress, and to respond to reasonable requests for mitigation.

3. The Applicant should be prepared to address Municipal and abutter concerns relative to the location, size and layout of the proposed parking area, and to work with the Municipality to explore possible changes to the site plan;
4. The Applicant should be prepared to address Municipal and abutter concerns relative to the size, scale and architectural style of the proposed multi-family building and its impact on the character of the surrounding neighborhood, and to fully describe proposed measures to address and mitigate these concerns.
5. In light of the neighborhood's concern relative to site landscaping and vegetative screening, the Applicant should provide a detailed planting plan showing identifying existing vegetation to be preserved along with proposed new planting.
6. The Applicant should respond to reasonable requests from the Municipality for additional Project information relative to proposed utilities, site lighting, stormwater management, trash removal and snow storage.

This Site Approval is expressly limited to the development of no more than twenty (20) rental units under the terms of the Program, of which not less than five (5) of such units shall be restricted as affordable for low or moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning

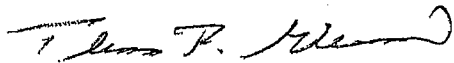
21 Crown LLC
MassHousing # 742
Project Eligibility Letter

Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katy Lacy at (617) 854-1098.

Sincerely,



Thomas R. Gleason
Executive Director

cc: Ms. Chrystal Kornegay, Undersecretary, DHCD
Kenneth Goldstein, Chair, Board of Selectmen
Jesse Geller, Chair, Zoning Board of Appeals

Attachment 1.

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

Project Name, Municipality, MA #-742

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Brookline is \$69,700.

Proposed gross rent levels of \$ 1,064 for a one bedroom affordable unit and \$1,357 for a three-bedroom affordable unit accurately reflect current affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program, less utility allowances of \$163 for the one bedroom units and \$273 for the three bedroom units.

A letter of interest was provided by Brookline Bank, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses, and would directly address local need.

The Site, which is zoned for single family residential development, is located approximately .25 miles from the Babcock stop of the Boston College branch of the Green Line and is within easy walking distance to a variety of shops, services, recreational uses and places of employment.

The Town of Brookline does not have a DHCD Certified Housing Production Plan, though the Municipal comment letter identifies numerous recent efforts to increase the creation and preservation of affordable housing. According to DHCD's Chapter 40B Subsidized Housing

Inventory (SHI), updated through December, 2014, Brookline has 2111 Subsidized Housing Inventory (SHI) units (8.1 % of its housing inventory), which is 509 units short of the 10%.

The need for additional affordable housing is further supported by U.S. Census data from the 2008-2012 American Community Survey, which indicates that 35.2% of Brookline residents earn less than 60% AMI, with 22.1% earning less than 30% AMI.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

Relationship to Adjacent Building Typology (including building massing, site arrangement, and architectural details):

While the proposed multi-family building introduces a new type and form of housing to the immediate Crowninshield neighborhood, the plans strike an attractive balance between widely varying adjacent building typologies. Existing developments to the south is characterized by large, early 20th century, Craftsman-style homes, while development along Commonwealth Avenue includes predominantly low-to mid-rise mixed use and commercial structures. A one-story car rental business occupies the adjacent site fronting on Commonwealth Avenue. Directly behind the Site (on Babcock Street) are several mid-rise structures including a 4-story apartment building, a 3-story medical facility, and a 5-story office building.

The proposed multi-family development consists of a single, four-story, wood frame structure with a central, peaked roof, articulated with gabled dormers. Variations in siding material from floor to floor add interest at the street level and serve to minimize the height and bulk of the building. The roofline is kept as low as possible for a four-story structure (40'-4" to the mean of the roof and 50' to the peak). While the proposed building is taller than the single family residences to the south, it will be significantly smaller than abutting buildings on Babcock Street and Commonwealth Avenue.

Building elevations reflect details from nearby residential homes, including decorative cornices and soffits, six over six windows and inset balconies. Window and door sizes and placement are also consistent with traditional residential design.

Relationship to adjacent streets/Integration into existing development patterns

The Project is located on a large double lot at the northern end of Crowninshield Road near its intersection with Commonwealth Avenue. While the neighborhood to the south is characterized by spacious Craftsman-style homes and tree-lined streets, development along Commonwealth Avenue includes a mix of high-density commercial, institutional and residential uses. The proposed 20-unit, wood-frame structure serves as a logical transition between the surrounding mix of uses. Further, while the proposed structure is larger than nearby residential buildings, its placement will have the benefit of effectively screening the neighborhood from views of the Enterprise car rental facility to the north, as well as the large, four-story, steel and masonry medical facility to the west.

Density

The Developer intends to build 20 homes on slightly more than one third of an acre (15,656 square feet), which is standard for mid-rise flats and, significantly less dense than other transit oriented development on Babcock Street and Commonwealth Avenue.

Conceptual Site Plan

Given the size of the property, the Site Plan is uncomplicated, consisting of a single building fronting on Crowninshield Road, and a side parking lot. The building is located as close to Commonwealth Avenue and the nearby MBTA station as possible with the parking area on the southern side of the Site adjacent to the residential property at 19 Crowninshield Road. There is a 15' front setback, which is similar to several nearby homes.

Environmental Resources

Environmental resources were not a factor in the Site Plan. There is an existing vegetative buffers between the Site and neighboring parking lots along the side and back edges of the property, and sufficient open space to allow for the restoration of some of the vegetation that was recently removed.

Topography

The Site, and much of the surrounding area, is relatively level.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes twenty rental apartments to be financed under the NEF Program. There will be fifteen (15) market-rate units with proposed average rent levels of \$2000 for the 14 one-bedroom units and \$3000 for the single, market rate three-bedroom unit.

MassHousing's Appraisal and Marketing (A&M) Division reports that there is strong demand for rental housing in the area, with increasing rental and occupancy rates over the past three years. Occupancy rates at comparable developments in the area average approximately 97%. A&M recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in this location at that time.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$1,660,000. A preliminary review of the Project pro-forma indicates that the per-unit construction costs (approximately \$230,586/unit) are within the normal range for similar multi-family developments in the area.

Based on a proposed investment of \$895,909 in private equity, the application pro forma

appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization prior to applying for Final Approval. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Site consists of two parcels of land (Brookline Assessor's Lots 027-38-00 and 027-39-00) for a total of 15,556 square feet. The Applicant controls the entire Site through a Fiduciary Deed dated November 13, 2014 and recorded at the Norfolk Registry of Deeds at Book 32702, page 150.

21 Crown Planning Board Design Review Team

1. DRT Chair: Linda Hamlin (Chair, Planning Board; architect)
2. Steven Heikin (Clerk, Planning Board; architect)
3. Mark Zarrillo (Planning Board; Crowninshield LHD resident; landscape architect)
4. Elton Elperin (Preservation Commission; architect)
5. David Jack (Pleasant Street resident and architect)
6. Barbara Sherman (Crowninshield LHD resident and design professional)

Planning Department Staff: Polly Selkoe and Maria Morelli

BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC
 ATTORNEYS AT LAW

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 PHONE 978.371.2226
 FAX 978.371.2296

Newburyport Office
 30 GREEN STREET
 NEWBURYPORT, MA 01950
 PHONE 978.463.7700
 FAX 978.463.7747

JASON R. TALERMAN
 Jay@bbmatlaw.com

ELECTRONIC MEMORANDUM

TO: Brookline Zoning Board of Appeals; Planning and Community Development
 Department
 FROM: Jason Talerman, Esq.
 CC: Robert Allen, Esq.
 DATE: November 30, 2015
 RE: 21 Crowninshield Road c. 40B Application

Please be advised that I represent the interests of a group of concerned citizens who reside in the Crowninshield Local Historic District (LHD), including more than a dozen households whose members comprise the Crowninshield Neighborhood Steering Committee. On behalf of my clients, I am writing to you with respect to a certain application for a Comprehensive Permit for a mixed income c. 40B project proposed for 21 Crowninshield Road (the "Project").

For several months my clients and I have been involved in discussions with the Applicant and its agents over the design of the Project. My clients have also been active participants in an ongoing review process conducted by the 21 Crowninshield Joint Design Advisory Team and Planning Board. One of my clients (Barbara Sherman) is on the Joint Design Advisory Team and several others are frequent contributors to the process.

As you are aware, the current Comprehensive Permit Application proposes a single 20-unit apartment building. However, after extensive and conscientious discussions, the Applicant has proposed a revised design concept that would reduce the density of the Project to eight units to be contained in two buildings, each containing four townhouse units.

The eight-unit Project is scheduled for further review by the Joint Design Advisory Team and Planning Board tomorrow, December 1st. In advance of such meeting my clients feel it is important to express their favorable impression of the new proposal. The eight-unit configuration is a marked improvement over the project included in the present c. 40B Application. To that end, and subject to the comments noted below, my clients would strongly support an amendment to the Application that would substitute the eight-unit design for the twenty-unit project.

My clients are appreciative of the Applicant's efforts to reach common ground and are generally supportive of the configuration and mass of the eight-unit project. In other respects, the eight-unit proposal requires refinements in basic architectural design, materials and form in order to integrate into the neighborhood. As noted in the various materials supporting the Crowninshield

Local Historic Designation, the houses in the neighborhood are architecturally and historically unique and significant. Therefore the neighborhood residents stress that it is vital that the above-noted refinements be made before the Project be approved with finality.

My clients are eager to work with the Applicant the Town's planning staff and the Board of Appeals on refinements to the design of the Project. Moreover, my clients are, to date, pleased that the Applicant is also willing to engage in such process. Accordingly, provided that various stakeholders are committed to working on a final design that will be compatible with the historic homes in the neighborhood, my clients support the proposal for the eight-unit project configuration.

My clients and I appreciate the complex and often controversial nature of permitting under c. 40B. It is our hope that the conciliatory spirit that underlays the newly proposed eight-unit project will enable the Board of Appeals to reach an expedient solution that will work for both the Applicant and the Crowninshield neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Talerman', with a stylized, flowing script.

Jason R. Talerman



Town of Brookline Massachusetts

PLANNING BOARD
Linda K. Hamlin, Chairman
Steven Heikin, Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Matthew Oudens
Mark Zarrillo

Town Hall, Third Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

February 5, 2016

Mr. Jesse Geller, Chairman
Brookline Zoning Board of Appeals
333 Washington Street
Brookline, MA 02445

Re: 21 CROWN COMPREHENSIVE PERMIT APPLICATION, M.G.L. c.40B

Chairman Geller,

The Planning Board strongly supports the Applicants' plan to amend its initial ZBA application for a 20-unit apartment by proposing an 8-unit townhouse-style development. It commends Mr. Robert Basile and the project team for its willingness to revise the program to address the community's primary concerns in a meaningful and effective manner. The Planning Board also recognizes the community's active participation in a seven-month design review process to work toward the goal of better integrating a higher density development into a single-family district.

Because of the coherent architectural style and residential setting of the Crowninshield Local Historic District, the Planning Board's objective for design review was to achieve a site plan, building massing, and façade details and proportions that convey a residential, rather than commercial, character. In particular, the following elements in the current proposal meet this objective:

1. Using the attached townhouse configuration, which is more compatible with the surrounding single-family neighborhood
2. Breaking up the units into two buildings with a motor court in the center landscaped with roughly 10 foot tall trees
3. Configuring the buildings so that the facades that face Crowninshield read more like two single-family homes
4. Lowering the eave line on all facades so that it is closer in line with that of the surrounding single-family homes
5. Modifying the roof form by designing a hip roof and hip dormers to reduce vertical massing and to reflect architectural elements found on neighboring homes
6. Articulating the buildings to break up large horizontal planes on the widest facades

7. Off-setting the driveway so that it no longer aligns with Adams Street or extends that roadway visually
8. Activating the streetscape by featuring porticos and oriel bay windows on the Crowninshield facades
9. Providing each unit with its own garage parking space and driveway
10. Providing parking that meets the ratio required for the S-7 district, or two parking spaces per unit, in a neighborhood with no on-street parking at any time
11. Separating pedestrian and vehicular access visually through distinct use of materials
12. Storing trash/recycling within the buildings and having private management remove it by pick-up truck so that receptacles are not stored outside on the site or in the public way at any time

The Board recommends the following additional architectural changes to effectively convey the character of a single-family development and improve scale and proportions:

- Revisiting the window pattern, especially of the Crowninshield façade, to improve hierarchy, proportions, and alignments
- Using garage doors with fewer recessed panels to reflect more traditional architecture
- Planting evergreens along the foundation level to mitigate its podium effect
- Addressing the concerns of the direct abutter at 25 Crowninshield Road about adequate landscaping and screening
- Installing evergreen plantings of sufficient height to screen the commercial properties to the rear and right of the site.

The Planning Board is also concerned that the fourth-floor loft, proposed as the third bedroom in each unit, could be divided into two bedrooms because of its size. In addition, it is possible that the ground-level office space could ostensibly be used as a fifth bedroom. To avoid an increase in the number of bedrooms above the twenty-four proposed, the Planning Board recommends limiting the maximum number of bedrooms to three per unit, and prohibiting the use of living and dining areas as sleeping areas.

Because all properties within a Local Historic District are automatically listed in the State Register of Historic Places, pursuant to 950 CMR 71 MassHousing is required to notify the Massachusetts Historical Commission (MHC) of the project before providing any state funding for a determination as to whether project review will be required. In similar past cases, the MHC has deferred to the Town of Brookline to provide a design assessment or mitigation recommendations. According to Associate Town Counsel Jonathan Simpson, who conferred with MHC in February 2016, letters submitted by involved parties such as the ZBA and any Design Review Team describing the design review process that was conducted for this case would strongly inform MHC's project review, particularly given how MHC review will likely commence following the conclusion of the hearing on the comprehensive permit. To ensure that key design details upon which the Design Review and project teams agreed are maintained in the future, the Planning Board recommends codifying these modest design guidelines on the plans or as a condition for the permit.

Although the Building Commissioner will address all requested waivers from zoning regulations, the Planning Board supports the following waivers because they either mitigate potential impacts on the

community or serve to better integrate the project into the surrounding neighborhood:

- **Front yard setback (Crowninshield Road):** Though it will reduce the front yard setback to 6 feet, the deeper portico would have proportions typical of the single-family dwelling in the area.
- **Fence height:** A fence height of 8 feet on the rear line will better screen the abutting Arbour HRI parking lot and the multifamily development itself.
- **Driveway width:** A narrower driveway width of 18 feet instead of the required 20 feet will look more residential and less commercial.

To ensure that the design standards are maintained when materials are replaced in the future, the Planning Board recommends the following conditions:

RECOMMENDED CONDITIONS

1. The Applicant shall submit plans showing replacement materials, colors, and window profiles for the review and approval of the Planning Board, if they are other than those indicated on the plans listed under the Procedural History of this Decision.
2. Prior to the issuance of a Building Permit, the Applicant shall submit final floor plans and elevations for the buildings, indicating façade design and rooftop details subject to the review and approval of the Planning Board. Color, windows, and materials shall be approved on Site by the Planning Board within a reasonable timeframe.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Linda Hamlin', with a long, sweeping horizontal line extending to the right.

Linda Hamlin, Chair

**TOWN OF BROOKLINE
OFFICE OF TOWN COUNSEL**

MEMORANDUM

TO: Zoning Board of Appeals

FROM : Jonathan Simpson

DATE: February 17, 2016

RE: Massachusetts Historical Commission – Potential Review of 21Crown 40B Development
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Maria Morelli of the Planning Department had asked that I research what role, if any, the Massachusetts Historical Commission (MHC) will play in the review of the 21Crown 40B Development. Pursuant to *M.G.L. c. 9, §§26-27C* and 950 CMR 71.02, the MHC is charged with eliminating, minimizing or mitigating adverse effects to properties listed in the State Register of Historic Places. As a local historic district, the Crowninshield Local Historic District is a property listed on the State Register, pursuant to 950 CMR 71.03. This suggests that MHC will undertake some form of review of the 21Crown project.

In researching the role the Commission will play, I spoke with Ryan Maciej of the MHC. He explained that the normal course of action is for MHC to receive a Project Notification Form (PNF) from the subsidizing agency once to project has received a comprehensive permit and the agency is prepared to issue its final decision on financing. The PNF includes details about the project, including plans and elevations, intended to allow MHC to determine what, if any, adverse effect the project will have on the relevant State Register properties.

According to Mr. Maciej, the Town and other interested parties have the opportunity to provide input into this process by submitting letters to the MHC. Letters from Town bodies involved in reviewing the design of the process, such as the ZBA or the Design Review team, would be especially informative.

Attachment F

Letters from Departments, Boards, Commissions



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

INTEROFFICE MEMORANDUM

Date: February 22, 2016

To: Zoning Board of Appeals

From: Daniel F. Bennett
Building Commissioner

Re: 21 Crown
21 Crowninshield Road

Town staff reviewed the waiver documents and associated plans submitted by the applicant in January 2106 and further revised on January 6, 2016. The comments and list below are in response to the 21 Crowninshield Proposed Waiver List dated January 28, 2016 (table format) and associated plans.

In some instances the project plans and list of waivers were not consistent. Waiver D indicates a Floor Area Ratio of 1.17, staff would like confirmation regarding the gross floor area and lot sized used. The Zoning By-Law provides several methods for calculating height. The applicant should provide the actual method used and the specific required grades i.e. record grade, natural ground, mean grade etc. The fence heights shown on plans and those listed on the waivers are inconsistent. The plans should be updated to show accurate fence heights and the changes in fence height. Lastly, the request to waive driveway width is section 6.04.4.b, the table should be updated accordingly.

Waivers were reviewed for consistency and proper application, as well as, the impact of the waiver with respect to the applicant's ability to construct the project without such waiver.

Waiver No.	By-Law Sec	Description	Effect on Project
A	4.07 (6)	Required to allow Use (multi-family)	Req'd to Build
B	4.08	Affordable Housing Requirements	Not Applicable

C	5.09	Design Review – staff recommends with some exceptions: 5.09.3.c.3.b – Landscaping 5.09.3.c.6 – Transportation Studies 5.09.4.f – Storm water Drainage 5.09.4.g – Utility Service	Req'd to Build some exceptions
D	5.20, Tbl 5.01	Max FAR – (approx. 1.17)	Req'd to Build
E	5.30, Tbl 5.01	Max Bldg. Height – (approx. 43.5)	Req'd to Build
E	5.31, 5.32 Tbl 5.01	Exceptions – Height - PBI	Not Applicable
F	5.45	Traffic Visibility Across Corners	Defer to Town Eng.
G	5.50, Tbl 5.01	Front Yard (Crowninshield)	Req'd to Build
H	5.50, Tbl 5.01	Front Yard (passageway)	Req'd to Build
I*	5.52	Fence Height Front Yard (passageway)	Buffer/Screening
J	5.60, Tbl 5.01	Side Yard	Req'd to Build
K*	5.62	Fence Height Side Yard (abutter)	Buffer/Screening
L	5.70, Tbl 5.01	Rear Yard	Req'd to Build
M*	5.74	Fence Height Rear Yard (abutter)	Buffer/Screening
N	6.04.4.b	Design Off-Street Parking – driveway width 18ft	Req'd to Build
O	7.04.4	Illumination	No

“Req'd to Build” – This means the waiver is required to construct the project as proposed

*To the extent there is no conflict with the Massachusetts State Building Code



TOWN of BROOKLINE
Massachusetts

**FIRE DEPARTMENT
HEADQUARTERS
PUBLIC SAFETY BUILDING**

Paul D. Ford
Chief of Department

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February 17, 2016

Maria Morelli, AICP
Planner
Town of Brookline

Subject: 21 Crowninshield Road

I have reviewed the plans with regards to site access requirements set forth in 527 CMR 1.00, the Massachusetts Comprehensive Fire Safety Code.

It would appear that Crowninshield Road itself qualifies as the "Fire Access" under the CMR as long as the buildings are properly sprinklered. This would eliminate and special requirements for fire department access through the property driveway.

The portion of the Right of Way located between the Site and Parcel 027-36-37 and extending from the Site's rear property line to the front property line at Crowninshield Road shall not be declared a Fire Lane at this time. However, it may be deemed a fire lane at a later date.

The Site Plan shall be modified per the review and approval of the Fire Chief to ensure that fences and landscaping do not impede the occupants from utilizing patio areas as a second means of egress.

Respectfully submitted,

Paul D. Ford
Fire Chief



TOWN of BROOKLINE

Massachusetts

**FIRE DEPARTMENT
HEADQUARTERS
PUBLIC SAFETY BUILDING**

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Chief of Department

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February 8, 2016

Subject: Excerpts from 527 CMR 1.00, Chapter 18

The following sections represent a portion of the requirements for Fire Department Access Roads as governed by the Massachusetts Comprehensive Fire Safety Code, effective January 1, 2015.

18.1.1.3 The fire apparatus access road plans must include an analysis and evaluation of fire apparatus maneuvers throughout the access roads created by swept path analysis and turn simulation software.

18.1.1.4 The fire apparatus access plans shall bear the seal and signature of the responsible registered professional engineer.

18.1.3.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

18.2.2.1.1.1 Approval of access roads shall be subject to the AHJ and capable of supporting the imposed loads of fire apparatus and shall be provided with an all-weather driving surface and shall be maintained as provided.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.2.1.1 A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (Under certain circumstances the maximum distance shall increase for properties that have sprinklers)

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from the

fire department access road as measured by an approved route around the exterior of the building or facility. (Under certain circumstances the maximum distance shall increase for properties that have sprinklers)

18.2.3.4.1.1 *Fire department access roads shall have an unobstructed width of not less than 20 feet.*

18.2.3.4.2.1 *Permeable drivable surfaces, that meet loading of 18.2.3.4.2, are allowed when approved by the AHJ. When approved, the permeable surfaces shall be identified by a method acceptable to the AHJ.*

18.2.3.4.3.1 *The minimum inside turning radius of a fire department access road shall be 25 feet. The AHJ shall have the ability to increase the minimum inside turning radius to accommodate the AHJ's apparatus.*

This list is not meant to be all inclusive and 527 CMR 1.00; Chapter 18 should be reviewed by the prospective developer or contractor.



BROOKLINE POLICE DEPARTMENT
Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

MYLES MURPHY
DEPUTY SUPERINTENDENT
TRAFFIC DIVISION

TO: Zoning Board of Appeals

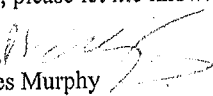
FROM: Deputy Superintendent Myles Murphy
Traffic Div/Brookline Police Dept

RE: 21 Crowninshield Rd 40b project

DATE: 2-18-16

To the ZBA,

After review of the plans presented to me on behalf of the 21 Crowninshield project, I have no objections relating to traffic/public safety matters, such as the temporary parking of utility/construction vehicles. To be consistent with other construction vehicles in town, any such vehicle at this site should use the process of obtaining parking permits. If I can be of further assistance, please let me know.

Sincerely, 
D.S. Myles Murphy



Town of Brookline

Massachusetts

HOUSING ADVISORY BOARD

Roger F. Blood, Chair
Steven A. Heikin
Michael H. Jacobs
Karen J. Kepler
William Madsen Hardy
Rita K. McNally
Kathy A. Spiegelman

333 Washington Street
Brookline, MA 02445
(617) 730-2130
FAX (617) 730-2442

To: Jesse Geller, Chair
Zoning Board of Appeals

From: Roger Blood, Chair
Housing Advisory Board

Re: 21 Crowninshield Road - Chapter 40B Development

Date: February 17, 2016

The Brookline Housing Advisory Board (HAB) is charged with promoting the creation and preservation of housing that is affordable to individuals and families of low and moderate income, advising the Board of Selectmen on affordable housing policies and programs and the use of local, state and federal financial resources available to the Town in support of affordable housing.

Within the larger planning and regulatory review process and the HAB's broadly defined mission, the HAB has focused its primary attention upon the affordable housing component of each mixed-income project. Accordingly, we expect that, in the course of reviewing any proposed 40B project, the Zoning Board of Appeals will solicit the HAB's input and recommendations regarding any ZBA-stipulated conditions that relate to each plan's affordable housing component.

As part of the ZBA review, the HAB offers the following recommendations regarding minimum affordable housing conditions in this and all proposed 40B projects in Brookline:

1. Affordable units should be deed-restricted in perpetuity and all deed restrictions must be recorded and in a form satisfactory to the HAB.
2. The unit mix and total number of affordable units and total number of bedrooms in affordable units should match the unit and bedroom mix of the market rate units.
3. Affordable units should be evenly dispersed throughout the project.
4. Affordable units should be indistinguishable from the market rate units in external appearance.
5. Affordable units should have the same interior finishes and appliances as the market rate units.
6. Affordable units should contain square footages of living area that are no less than:
 - Studio units: 500 square feet
 - 1 bedroom: 700 square feet
 - 2 bedroom: 900 square feet
 - 3 bedroom: 1100 square feet
 - 4 bedroom: 1300 square feet

OR the average size of market rate units containing the same number of bedrooms

7. Floor plans for the affordable units which differ from those of the market rate units will not be approved without the recommendation of the Town's Department of Planning and Community Development/ Housing Division with input from the Housing Advisory Board.
8. Local Preference: The applicant will work with the Town's Department of Housing and Community Development/Housing Division to request that no less than 70% of the affordable units be awarded to households with local preference during the initial lottery, defined as a household with member who (a) lives or works in Brookline; (b) is employed by the Town or the Brookline Housing Authority; or (c) has at least one child enrolled in the Brookline public school system.
9. The Dept. of Planning and Community Development/Housing Division must review and approve the Affirmative Marketing Plan for the affordable units before it is submitted to the Subsidizing Agency for final approval. The Department of Planning and Community

Development/Housing Division will work with the applicant to market the affordable units, specifically identifying appropriate local outreach venues.

10. For the period in which the project is being monitored by the Subsidizing Agency, upon the Town's request, the owner shall share all monitoring reports with the Town's Department of Planning and Community Development/Housing Division including annual rent increases and information verifying income eligibility for affordable units.
11. Upon expiration of the subsidy period and monitoring by the Subsidizing Agency, the applicant shall enter into a Permanent Restriction/ Regulatory Agreement with the Town which shall be recorded and require that: (a) the affordable units shall remain affordable in perpetuity; and (b) the affordability requirements shall be monitored and enforceable by the Town. Upon the Town's request, the Applicant shall provide the Town with a reasonable fee to cover the cost of such monitoring and enforcement.
12. The Town will not issue a building permit for the project without final approval from the Subsidizing Agency.
13. The Town will not issue an occupancy permit until all affordable units are completed and accepted by the Department of Planning and Community Development/Housing Division.

The Town of Brookline has engaged in longstanding, creative and fruitful efforts to create, promote, and preserve multi-family and affordable housing over the years—efforts that have been recognized by the Commonwealth and which have created and preserved over 2,200 units of affordable housing in Brookline.

We look forward to working with the ZBA, the Applicant and the Subsidizing Agency to ensure that the above conditions are met if a comprehensive permit is granted for this project.

Exhibits to DRAFT Conditions (February 23, 2016)

1 – List of Requested Waivers

2 – Regulatory Agreement (sec. 8)

**21 CROWNINSHIELD
PROPOSED WAIVER LIST
S-7 Zoning District
January 28, 2016**

Brookline Zoning By-Laws				
Bylaw Section	Requirement	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver Number
§4.07(6) – Table of Use Regulations	Multi-Family Uses	Waiver to allow the property to be used as a multi-family dwelling for town houses, associated amenities and accessory parking.	The Development is a multi-family housing development containing 8 town houses. The Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	A
§4.08	Affordable Housing Requirements	Waiver to allow multi-family uses within the S-7 zoning district.	The Development is a multi-family housing development containing 8 town houses. The Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	B
§5.09	Design Review	Design Review requirements not applicable under M.G.L. c. 40B.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	C
§5.20 & Table §5.01	Maximum Floor Area	Waiver from maximum ratio of gross floor area to lot area (0.35 in S-7 District)	The Development has 15,556 s.f. lot and will have a floor area ratio of approximately 1.17.	D
§5.30-5.32 & Table §5.01	Maximum Height of Buildings	Waiver from maximum building height limitations (35' in S-7 District)	The height of the Development will be 43.5' feet at its maxim.	E
§5.45	Traffic Visibility Across Corners	Waiver from visibility requirements across corners.	The traffic visibility across corners may be limited by an existing tree near the Right of Way.	F
§5.50 & Table §5.01	Minimum Front Yard (Crowninshield)	Waiver from 30' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 6'-10."	G

§5.50 & Table §5.01	Minimum Front Yard (Passageway)	Waiver from 30' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 10'-6."	H
§5.52	Maximum Fence Height Front Yard	Waiver from the maximum fence/terrace requirement of 6' in the front yard yards.	The Development has a minimum 8' fence.	I
§5.60 & Table §5.01	Minimum Side Yard	Waiver from 20' minimum side yard requirement.	The Development will have a minimum side yard setback of 10'-1."	J
§5.62	Maximum Fence Height Side Yard	Waiver from the maximum fence/terrace requirement of 7' in the side yard.	The Development has a minimum 8' fence.	K
§5.70 & Table §5.01	Minimum Rear Yard	Waiver from 40' minimum rear yard requirement.	The Development will have a minimum rear yard setback of 5'-7."	L
§5.74	Maximum Fence Height Rear Yard	Waiver from the maximum fence/terrace requirement of 7' in the rear yard.	The Development has a minimum 8' fence.	M
§6.04.4	Design of All Off- Street Parking Facilities	Waiver from the 20' driveway width requirement for two-way use.	The Development will have a minimum driveway width of 18 ft.	N
§7.04.4	Illumination	Waiver from the lighting requirements in the S-7 District.	The Development may have decorative lighting designed to illuminate walks, driveways, doorways, and outdoor areas.	O
Brookline Town By-Laws				
Bylaw Section	Requirement	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver Number
§3.17	Department of Public Works	Waiver from the Department of Public Works site plan approval process, curb cut procedure, tree removal, and construction and maintenance related parking permits.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	P
§5.3	Demolition Delay	Waiver from the Preservation Commission requirements for demolition delay for the demolition of historically significant buildings.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	Q
§5.6.6	Local Historic Districts	Waiver from the Preservation Commission requirements for buildings	Comprehensive Permit, as may be granted by Zoning Board of Appeals	R

		located in the Crowinshie Local Historic District.	shall provide all local permits per M.G.L. c. 40B § 20-23.	
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